

THE HONORABLE JAMES L. ROBART

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

HANY VELETANLIC,

Defendant.

No. CR18-00162-JLR

DEFENDANT'S RESPONSE TO
GOVERNMENT'S MOTION IN
LIMINE TO EXCLUDE DEFENSE
ARGUMENTS SEEKING JURY
NULLIFICATION

I. INTRODUCTION

COMES NOW the defendant, Hany Veletanlic, by and through his attorneys, and hereby respectfully submits this Response to Government's Motion in Limine to Exclude Defense Arguments Seeking Jury Nullification because the Government's arguments are vague, the defense is well aware of the case law and its obligations, and the categories of evidence the Government seeks to exclude may be relevant for purposes other than setting up an argument for nullification.

II. ARGUMENT

A. Response to the Government's Request to Exclude Arguments Encouraging Jury Nullification

In general, the defense agrees that arguments encouraging the jury to nullify a guilty verdict based on evidence "other than the trial evidence" would be improper. The defense

1 agrees to follow the case law pertaining to proper arguments and the Federal Rules of
2 Evidence. The Government's motion in limine regarding jury nullification is vague and
3 the defense requests that the Government make an objection should something occur at
4 trial which is perceived by the Government to be approaching an improper argument.

5 **B. Response to the Government's Request to Preclude Evidence and Arguments**
6 **Relating to Mr. Veletanlic's Immigration Status**

7 The Defense agrees that arguments seeking nullification based on a defendant's
8 immigration status would be improper. However, Mr. Veletanlic's status as a refugee may
9 become relevant for other purposes.

10 **C. Response to the Government's Request to Exclude Evidence or Arguments**
11 **Relating to Possible Punishment or Consequences of Conviction**

12 The Defense concedes that arguments or evidence relating to possible punishment or
13 consequences of a conviction are inadmissible.

14 **D. Response to the Government's Request to Exclude Evidence or Arguments**
15 **about Mr. Velentanlic's Health**

16 The Defense agrees that arguments seeking to elicit sympathy and/or nullification
17 based on Mr. Velentanlic's health would be improper. However, Mr. Veletanlic's health
18 may become relevant for other purposes.

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